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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,269	08/31/2006	Toshihisa Nakano	2006_1454A	9305
52349 7590 04/28/2010 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
CHIEN, SHIN HON				
ART UNIT		PAPER NUMBER		
2431				
NOTIFICATION DATE		DELIVERY MODE		
04/28/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
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Office Action Summary

Application No.

10/591,269

Applicant(s)

NAKANO ET AL.

Examiner

SHIN-HON CHEN

Art Unit

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 3-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/31/06 and 10/29/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10, 21 and 23-25 have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/29/07 and 8/31/06 are being considered by the examiner.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 24 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim discloses outsourcing program which is not one of process, machine, manufacture, or composition of matter required by the patent law.

Allowable Subject Matter

4. Claims 2-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomlinson et al. U.S. Pat. No. 6389535 (hereinafter Thomlinson).

7. As per claim 1, 21 and 23-25, Thomlinson discloses an outsource source encryption device that has permission to encrypt content received from a content distribution device, and outsources encryption of the received content to an outsource destination encryption device, the outsource source encryption device comprising: a receiving unit operable to receive authorization information proving that the outsource source encryption device has permission from the content distribution device to use the content; and a transmission unit operable to transmit the generated second license information together with the received content to the outsource destination encryption device (Thomlinson: figure 2 and column 6 line 62 – column 7 line 58: data protection system/outsource source encryption device dispatches data contents to various encryption providers/outsource destination encryption device). Thomlinson discloses that user has to grant authorization before encryption providers can perform cryptographic processes on the data (Thomlinson: column 13 line 63 - column 14 line 32). Thomlinson does not explicitly disclose generating second authorization/license information from the data protection system to encryption provider. However, it would have been obvious matter of design choice to simply forward the authorization information or incorporate it into a second license form due to formality issues.

8. As per claim 2, Thomlinson discloses the outsource source encryption device of claim 1. Thomlinson further discloses wherein the generating unit uses individual information particular to the outsource source encryption device to generate certification information based on the first license information, and the second license information further includes the certification information (Thomlinson: column 13 line 63 - column 14 line 32).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fountain et al. U.S. Pub. No. 20060149962 discloses network attached encryption.

Scheidt et al. U.S. Pub. No. 20020062451 discloses method of providing communication security.

Griffin et al. U.S. Pat. No. 7200756 discloses base cryptographic service provider method.

Zigmond et al. U.S. Pub. No. 20050187879 discloses persistent license for stored content.

Molaro U.S. Pub. No. 20040187014 discloses method for implementing digital rights management.

Revital et al. U.S. Pub. No. 20040101138 discloses secure digital content delivery system.

Bayer et al. U.S. Pat. No. 7171567 discloses system for protecting information over the internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen
Primary Examiner
Art Unit 2431

/Shin-Hon Chen/
Primary Examiner, Art Unit 2431